

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RADHA GEISMANN, MD, P.C.,)	
individually and as the representative of a)	
class of similarly-situated persons,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14-cv-001538 RLW
)	
AMERICAN HOMEPATIENT, INC., and)	
JOHN DOES 1-10)	
)	
Defendant.)	

**PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY REGARDING
DEFENDANT’S MOTION TO DISMISS OR STAY**

Plaintiff, Radha Geismann, M.D., P.C., submits as supplemental authority the three attached decisions from district courts in the Eighth Circuit issued after Plaintiff filed its opposition to Defendants’ Motion to Dismiss or Stay on September 1, 2015 (Doc. 49):

Connector Castings, Inc. v. Joseph T. Ryerson & Son, Inc., No. 4:15-CV-851 SNLJ, 2015 WL 6431704, at *3 (E.D. Mo. Oct. 21, 2015) (denying pick-off motion to dismiss in TCPA fax-advertising class action and “striking” offer of judgment).

Johnson v. Collecto, Inc., d/b/a EOS CCA, No. CIV. 14-3210 RHK/FLN, 2015 WL 5210183, at *4 (D. Minn. Sept. 8, 2015) (denying summary judgment based on pick-off offer of judgment in putative class action under Fair Credit Reporting Act).

Liabie v. Rockport Fin., LLC, No. 4:15-CV-00306 ERW, 2015 WL 5227120, at *3 (E.D. Mo. Sept. 8, 2015) (denying plaintiff’s “placeholder” motion for class certification without prejudice, but holding “[i]f a defendant makes an offer of judgment pursuant to Rule 68 satisfying all of Plaintiff’s demands, Plaintiff will have the opportunity to file a motion for class

certification which relates back to the date of filing of the original complaint, avoiding a mootness challenge”).

By: /s/ Max G. Margulis

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th of October 2015, I submitted the foregoing via this Court’s CM/ES system, which served notice of the filing on the Attorney for Defendant, Steven W. Koslovsky, 7733 Forsyth Blvd., Ste 1100, Clayton, MO 63105, Phone: 314-296-6120, Fax: 314-569-2519, Email: swk@koslow.net and Kevin C. Moran and C. Gregory Shamoun, Shamoun & Norman, LLP, 1755 Wittington Place, Suite 200, LB 25, Dallas, TX 75234, P: 214-987-1745, F: 214-521-9033, Email: Kmoran@snlegal.com and G@snlegal.com.

/s/ Max G. Margulis